

Arad report commissioned by Rights and Entitlements Branch – Children and young people within the criminal justice system – Learning Initiative Analysis of support for young people with special educational needs (SEN) in the youth justice sector in Wales 2009

Issues for consideration	WAG Response	Action
<p>1. Special Educational Needs should be addressed in tandem with wider additional learning support needs. This approach recognises that wider social factors, including the membership of certain social groups, can impact negatively on educational achievement.</p>	<p>We wholeheartedly support this recommendation and are already actively addressing it having introduced the Additional Learning Needs Legislative Competence Order (2007), which recognised this fact.</p> <p>In fact, as long ago as 2006, the Welsh Assembly Government set out in 'The Learning Country – Vision into Action' the intention to develop an 'Inclusion Policy and Performance Framework for Wales' that builds on a whole school and community approach to meeting 'additional learning needs' and to introduce 'an action plan in response to the recommendations of ELLS Committee Review of SEN'.</p>	<p>Now in place, the Additional Learning Needs LCO empowers the Assembly to make Assembly Measures under part 3 of the Government of Wales Act (2006) that will enable implementation of key components of the Welsh Assembly Government's Special Educational Needs/Additional Learning Needs policy in Wales, including matters dealt with in the former ELLS Committee review.</p> <p>The ELLS Committee concluded its review of SEN in March 2007, having set out to examine many of the fundamental elements of the existing system, especially early identification and intervention, statutory assessment, educational statements, educational achievement and transition. Following the widespread preliminary consultation on options for the reform of the statutory assessment framework in Wales, we have recently launched four pilot schemes.</p> <p>Our intention is that these pilots, together with other initiatives, such as the Inclusion Quality Award will lead to the development of an innovative and much improved system for ensuring pupils with ALN have their needs met and receive a first class education.</p>

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<p>2. Although a robust, comprehensive and current picture does not exist, there is sufficient ad-hoc evidence (both qualitative and quantitative) to note that a considerable proportion of young offenders enter the youth justice system with unidentified Special Educational Needs.</p>	<p>Young people in this circumstance often complex and chaotic backgrounds. For example they may not be able to access primary health. Often parents and guardians do not provide the support.</p> <p>The Parenting Action Plan was published in December 2005. The Plan sought to ensure that parents in Wales received the advice and support necessary, by setting out what the Welsh Assembly Government intended to do for parents up to March 2008.</p> <p>The 'National Behaviour and Attendance Review' (NBAR), Action Plan, sets out our commitment to behaviour and attendance issues in Wales. The Action Plan emphasises the key roles for schools, local authorities and a wide range of other partners in identifying behavioural and attendance issues and implementing early intervention strategies in order that relevant support is made available before crisis point is reached.</p>	<p>Further analysis will be taken in April 2010</p>
<p>3. The Special Educational Needs of many young people generally are unidentified or are identified at a late stage. Two implications for youth justice practice flow from this finding. Firstly, there is a strong case for early screening of young people in general. Secondly, there needs to be more training/awareness amongst mainstream teaching staff, YOT workers and other practitioners who have contact with children and young people.</p>	<p>In almost all cases, children with SEN or additional learning needs will be identified in the school or early years setting and will be supported by the school and LEA at either the Early Years/School Action, Early Years/School Action Plus or by Statement of SEN in accordance with guidance described within the SEN Code of Practice for Wales 2002.</p> <p>We are currently reviewing the current statutory assessment and statementing process as part of whole process of statutory reform (as described in 1. above). The aim of the review is to ensure that any additional learning needs which children and young people may have are identified at the earliest possible stage and that appropriate provision and support is put in place to meet their identified needs.</p>	<p>The School Effectiveness Framework which has been developed by the Welsh Assembly Government in collaboration with key stakeholders is a key component in ensuring young people receive the appropriate help at the earliest possible stage.</p> <p>It sets out the vision and an implementation schedule for putting School Effectiveness based on tri-level reform into action. Tri-level reform is the whole of the education community (schools, local authorities and the Welsh Assembly Government) working collaboratively.</p> <p>The Framework describes the key characteristics required to build on existing good</p>

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	<p>Currently, in terms of training, ITT providers are required to ensure that the design and provision of courses will enable trainees to demonstrate that they meet the standards required to gain QTS. The current QTS standards require trainee teachers to demonstrate that they understand their responsibilities under the SEN Code of Practice (including ALN), and know how to seek advice from specialists on the less common types of special education needs. They must be able to identify and support pupils who are failing to achieve their potential in learning and those experience behavioural, emotional and social difficulties (with guidance from an experienced teacher where appropriate) and be able to differentiate their teaching to meet pupils' needs including those with SEN. They must also demonstrate that they work collaboratively with specialist teachers.</p> <p>Screening – We are not convinced that screening all children and young people when they enter the youth justice system will provide a solution to the issue of identifying an individual's requirements in what is a diverse range of additional learning needs.</p>	<p>practice and improve children's and young people's learning and wellbeing throughout Wales, and each partner's contribution to securing that. An individual approach and person centered planning such as 'School Action and School Action plus' will identify pupils with SEN requirements. Training teaching staff is also a major factor in working with young SEN.</p> <p>In terms of training, in October 2007, we launched a bi-lingual e-learning course for SEN as part of an innovative training course for teachers and support staff. Its aim is to improve the understanding and knowledge of staff working with pupils who have SEN/ALN. We also currently have a project group working to produce guidelines and training materials for newly qualified teachers (NQTs) on their induction year and also for teachers on their second and third years in post during their early professional development (EPD) period.</p> <p>As part of the Welsh Assembly Government's Reach the Heights ESF projects, SEN awareness training is to be provided for YOT and prison service staff. The development of induction materials for newly appointed staff will also be produced as part of this incentive. This will also include training in the recognition of and importance of networking at a local level to ensure the relevant support is accessed. More significant support will be made available across the important 'transitional' stages for children</p>

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		and young people in Wales.
<p>4. In many LEAs, a lack of capacity to provide YOT staff with access to appropriate expertise (e.g. education psychologists), coupled with pressures on capacity in alternative educational provision, mean that young offenders with unidentified SEN are often not assessed by the LEA following identification of a need for this by the YOT. As such many young people are currently not accessing entitlements due to a lack of capacity and provision of services for young people with SEN.</p>	<p>Local authorities are required under the 2004 Act to work with their partners to publish a Children and Young People’s Plan (CYPP). These plans seek to improve the well being of children and young people.</p> <p>The UN Convention on the Rights of the Child and children’s rights, have a bearing on these plans. They express seven core aims that constitute the statutory definition of the well-being of children and young people in Wales. The plans are a single statement of intent for children and young people to which all other plans must have regard.</p> <p>Local authorities are required, in consultation with statutory partner agencies, to put in place an annual youth justice plan which describes the nature and scale of offending by young people in their area and the programmes to tackle this.</p> <p>The plan needs to cover how the youth justice system in an area is to be provided and funded, and how YOTs or teams established by them are to be composed and funded, how they are to operate and what functions they will carry out.</p>	<p>The Welsh Assembly Government and the YJB have reviewed and refreshed the delivery mechanisms for the <i>All Wales Youth Offending Strategy</i>. This 2009-2011 plan describes the changes made and sets out the priority themes to address and the actions to take. There are now 6 strategic groups in place that will look to ensure a consistent approach is in situ in Wales when dealing with youth justice services. Any issues that prove a barrier will be analysed and solutions sought alongside the key stakeholders involved at a local and national level.</p> <p>The Youth Justice Board and WLGA conference in Wales September 2009 – “To prevent and protect: how local authorities and partners can help reduce youth crime” looked at many of the issues affecting these young people. The WLGA made the commitment to ensure that these young people within the youth justice system are at the centre of their priorities</p>
<p>5. YOT managers noted that the experiences of their service user group where educational staff (e.g.</p>	<p>See response to issue 3. The School Effectiveness Framework which has been developed by the Welsh Assembly Government in collaboration with key stakeholders is a key component in</p>	<p>Local authorities have a statutory responsibility in this area. Further Assembly Measures will need to be developed following the pilots of the</p>

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<p>seconded teachers, careers advisors) works within the YOT and / or where good levels of access to appropriate experts (e.g. education psychologists) exist are more positive. These YOTs tend to be in the larger urban areas where LEAs have greater capacity.</p>	<p>ensuring young people receive the appropriate help at the earliest appropriate stage.</p> <p>Over the last year, the Welsh Assembly Government and the YJB have reviewed and refreshed the delivery mechanisms for the <i>All Wales Youth Offending Strategy</i>. This delivery plan 2009-2011 describes the changes made and sets out the priority themes to address and the actions to take. There are now strategic groups in place that will look to ensure a consistent approach is in place in Wales when dealing with the youth justice services. Any issues that prove a barrier will be analysed and solutions sought alongside the key stakeholders involved at a local and national level</p>	<p>Statutory Reform in the area of Additional Learning Needs due for completion by 2011.</p>
<p>6. The Education Section of the ASSET form is often not being completed consistently by YOT staff. During discussions, it became apparent that YOT managers themselves interpreted some questions differently.</p>	<p>YJB and HMI Probation have main leverage on Asset quality.</p> <p>The Asset process used by the Youth Justice Board has recently been revamped as an electronic version. All YOT managers in Wales have been and are involved in its development and improving effectiveness</p>	<p>YJB has the lead role in how Asset should be completed – there's also an APIS (assessment, planning, intervention and supervision) Project being commissioned by the YJB at present to look at improved Asset etc. There may be opportunities to influence this.</p>
<p>7. The Welsh Assembly Government should consider whether mechanisms for fast-track assessments need to be put in place, in cases where YOT staff suspect that learning difficulties have not been identified prior to the young person coming into contact with the youth justice sector.</p>	<p>We believe that a fast track system should only be used in exceptional circumstances. Fundamentally, the real problem is information sharing between agencies and there is a need for shared protocols and an appropriate information sharing system.</p> <p>As part of the Welsh Assembly Government's Reach the Heights 'ESF' projects, awareness training is to be given to YOT and prison service staff and a development of induction materials produced for new staff coming into the service.</p>	<p>SEN awareness training (as described in 3. above) goes some way to meet this, however, there are no mechanisms in place for fast tracking.</p> <p>Indeed, rather than any kind of fast track mechanism, we believe that whole scale reform of the current system is required, and the work that we are currently doing on the reform of the statutory assessment and statementing system (as described in 1. above) is what is required.</p>

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<p>8. The Welsh Assembly Government should consider whether smaller, rural LEAs could work more closely to share resources and enable greater level of access to experts (e.g. educational psychologists) in smaller YOTs.</p>	<p>This type of arrangement would need to be for local determination by the authorities concerned, however the Welsh Assembly Government would encourage it.</p>	<p>As part of the Welsh Assembly Government's Reach the Heights ESF projects, it has been a recommendation from the Welsh Assembly Government and agreed by the Youth Justice Board that YOTs work in a cluster grouping in order to maximise the resources being made available.</p> <p>This would be encouraged across Wales in other fields in order that 'best practice' informs all processes. Arrangements once established could well lead to collaboration more widely</p>
<p>9. Assessments of educational need should be shared between relevant agencies. For example, ILA assessments by LEAs and Social Services need to reach YOTs and custodial institutions.</p>	<p>The purpose of the Wales Accord on the Sharing of Personal Information (WASPI), is to enable service-providing organisations, directly concerned with the well being of an individual, to share personal information about individuals between them in a lawful and intelligent way.</p> <p>It is a framework that facilitates this by establishing agreed requirements and mechanisms for the exchange of personal information between parties in an "information sharing community". This community can be made up of any number of organisations and these can be public sector, voluntary sector, private sector and independent organisations. There is no limitation to who is able to sign up to the WASPI and implement its requirements.</p>	<p>Local authorities are required under the 2004 Act to work with their partners to publish a Children and Young People's Plan (CYPP). These plans seek to improve the well being of children and young people.</p> <p>The Assembly Government is adopting a coordinated approach to ensuring that personal information can be shared across public sector organisations in a legal and compliant way. A Corporate Programme Board has been established across CELL, DHSS and PSLGD chaired at Director General level by David Hawker (CELL). An implementation plan is being drafted for issue in April 2010,</p> <p>In the longer term as part of the Apprenticeships, Skills, Children, and Learning Act 2009 - 2010, information and resources will follow a young person into custody and on</p>

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		release. This will be the case for an individual with a statement. A duty will be placed on local authorities as well in order that information sharing is central to the support the young people require.
<p>10. A lack of post-16 training provision for young offenders was noted as a particular challenge for YOTs. Many YOT managers noted that developing and maintaining partnerships with individual training providers (and schools) was often more challenging than with LEAs.</p>	<p>Transition planning in Wales is a key component supporting young people with SEN in the ways highlighted below:</p> <p>When a child has a statement of special educational needs it must be reviewed annually. The Annual Review in Year 9 and following annual reviews until the young person leaves school must include the drawing up and reviewing of a Transition Plan.</p> <p>The Transition Plan brings together all the necessary information to plan for a young person's move into adult life.</p> <p>Transition Plans should not only include post-school arrangements, they should also plan for on-going help in school as identified in the statement of special educational needs.</p> <p>The drawing up of the Transition Plan must involve Careers Wales and should also involve parents and other agencies with a major role in the young person's post-school life e.g. Social Services and Health Professionals.</p>	<p>See response to issue 4.</p> <p>The Learning and Employment group is already analysing and reviewing the issues highlighted. Any circumstances that prove a barrier will be looked at and solutions sought working alongside the key stakeholders involved at a local and national level.</p> <p>An External Reference Group comprising representatives from Education, Health and Social Services, employers' organisations, Career Wales and Skills Wales, has been established by the Department of Children Education and Lifelong Learning (DCELL).</p> <p>The group was convened specifically to take forward the 47 recommendations made by the former ELLS Committee's review of special education, phase three of which focused on transition and the particular needs of young people leaving secondary education and moving into further or higher education, training or employment.</p>
<p>11. A lack of access to appropriate ETE provision, whether as part of custodial interventions or brokered by the YOT, can exacerbate a young</p>	<p>In the longer term as part of the Apprenticeships, Skills, Children, and Learning Act 2009 the 'host' local authority will have responsibility for education and training within the institution in their area. This will support a more consistent</p>	<p>See response to issue 10.</p> <p>The Learning and Employment group is already analysing and reviewing the issues highlighted.</p>

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person's learning difficulties.	approach for the young people accompanied by the 'home' local authority having a 'duty' placed on them to support the resettlement of young people back into the appropriate education and or training within their communities including young people with SEN.	Any circumstances that prove a barrier will be looked at and solutions sought working alongside the key stakeholders involved at a local and national level
12. Custodial sentences disrupt young people's education. The Welsh Assembly Government needs to consider how to ensure that young people being released from custody re-enter full-time education or training as soon as possible.	As number 11.	As number 11.
13. ETE provision in the community and custody needs to be more closely aligned with better transition planning for young people coming out of custody.	<p>Agree. Welsh Assembly Government policy for children and young people is to ensure they get the support they need to access their rights and achieve their full potential. We are committed to assisting children and young people who are disadvantaged, for example through disability, poverty, family and community circumstances, illness, neglect or abuse. They need particular help if we are to improve opportunities for them.</p> <p>Local authorities are required under the Children Act (2004) to work with their partners to publish a Children and Young People's Plan (CYPP). These plans seek to improve the well being of children and young people.</p>	In the course of the next 12 months, Welsh Assembly Government intends to produce guidance under of the Apprenticeships, Skills, Children, and Learning Act 2009 which will set out how 'host' local authorities will have responsibility for education and training within a custodial the institution in their area. This will support a more consistent approach for the young people accompanied by the 'home' local authority having a 'duty' placed on them to support the resettlement of young people back into the appropriate education and or training within their communities including young people with SEN.
14. There needs to be closer alignment between education and health workers, both within YOTs and	It is vital that YOT managers are represented on local strategic groups e.g. children and young people partnerships to ensure that there is a good connection and communication with the	Local authorities are required under the 2004 Act to work with their partners to publish a Children and Young People's Plan (CYPP).

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<p>in general, with education personnel being closely supported by Health Service practitioners in cases where their professional judgments may be required (e.g. assessments of mental health or ADHD).</p>	<p>relevant services. In some areas local level agreements are in place. Local children and young people’s plans should clearly set out these arrangements.</p>	<p>These plans seek to improve the well being of children and young people.</p> <p>The UN Convention on the Rights of the Child are the underpinning basis of the plans. The plans are a single statement of intent for children and young people to which all other plans must have regard. Guidance to local authorities on children and young people’s plans is currently being revised and will be strengthened to include specific reference to meeting the learning needs of young people in the criminal justice system with Additional Learning Needs and Special Educational Needs(SEN)</p> <p>The Children First programme in Wales sets key objectives for children's services covering the whole spectrum of services that vulnerable children depend upon, including social services, health and education. Each local authority is asked to provide evidence of how it will improve services provided to children, and these are evaluated against set targets. The Children First programme has been a catalyst for improvement and there is evidence that good progress has been made in achieving its policy aims.</p> <p>The NEET strategy in Wales will look to improve local data collection and sharing, and enhance the keeping in touch protocols, which set out how children and young people’s partnerships identify, engage, assess and refer young people</p>

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		<p>for support. It will develop a revised statement of arrangements, setting out requirements for schools, colleges and training providers to communicate as soon as a young person disengages from training or education, and work with children and 14-19 networks to ensure that they identify a lead partner who will have coordinating responsibility for young people who are NEET within their area.</p> <p>The second component is wider choice and ensuring that we have a full range of learning options to meet the needs of young people so that, no matter what level a young person is at, there are suitable opportunities for them; no matter what style of learning most appeals to young people, there are courses available; and no matter where the young person is, those opportunities are there as an entitlement.</p>
<p>15. Information and good practice guidelines need to be shared by SEN specialists with parents/carers and children. Where appropriate, practitioners who have contact with young people should also receive information and guidance.</p>	<p>Support for Learners Division (within the Welsh Assembly government) currently produces a range of guidance materials covering specific areas of learning difficulties both for parents and carers and professionals. Local authorities in Wales also produce their own specific information and other materials for parents and carers and professionals.</p> <p>The purpose of the Wales Accord on the Sharing of Personal Information (WASPI), is to enable service-providing organisations, directly concerned with the well being of an individual, to share information between them in a lawful and intelligent way.</p> <p>It is a framework that facilitates this by establishing agreed requirements and mechanisms for the exchange of personal</p>	<p>The Assembly Government is adopting a coordinated approach to ensuring that personal information can be shared across public sector organisations in a legal and compliant way. A Corporate Programme Board has been established across CELL, DHSS and PSLGD chaired by Director General for CELLS. An implementation plan is being drafted for issue in April 2010.</p> <p>We currently produce a range of guidance materials for parents and carers of children and young people with ALN, as well as schools and LEAs. In partnership with SNAP Cymru, the</p>

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	<p>information between parties in an “information sharing community”. This community can be made up of any number of organisations and these can be public sector, voluntary sector, private sector and independent organisations. There is no limitation to who is able to sign up to the WASPI and implement its requirements.</p>	<p>Welsh Centre for Learning Disabilities and Learning Disabilities Wales, we are also currently developing a trilogy of guidance to help professionals, parents and carers and the young people themselves through transition ie moving from school into further or higher education or work. We will in future work to ensure YOTs and other appropriate bodies receive this material. Also, again during our process of statutory reform we will ensure that YOTs are kept in touch with developments and that they receive any guidance arising from the reform of the current system.</p>
<p>16. Given the high proportion of young offenders with learning disabilities and learning difficulties, youth justice interventions (such as cognitive-behavioural programmes) should take account of Special Educational Needs and/or appropriate learning styles, with negotiated shared assessments and agreed interventions appropriate to the individual.</p>	<p>The Youth Justice Board is responsible for specific programmes and intervention work. They have been involved at all stages of this research and work in partnership with the Welsh Assembly Government in order to support young people in appropriate project work.</p>	<p>Under The All Wales Youth Offending Strategy Delivery Plan 2009-11, the Assembly Government is working with the YJB and other stakeholders to more firmly embed participation and children’s rights in the youth justice system. As part of this project benefits analysis has revealed the need for a pre-Asset (the youth justice assessment tool) screening for learning styles to improve communication with young people. This is to maximise the potential for youth justice practitioners to successfully engage their clients and do increase the likelihood of successful interventions to reduce reoffending through re-integration with learning and employment.</p> <p>The “Reach the Heights” ESF project will target young people with SEN and help support their needs.</p>

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<p>17. YOT practitioners and employment and training providers require specialist training, advice and support (including mediation services in cases where placements break down) in respect of working with young people with learning difficulties.</p>	<p>We aim to support all children and young people to achieve their potential. We are committed to assisting children and young people who are disadvantaged, for example through disability, poverty, family and community circumstances, illness, neglect or abuse. They need particular help if we are to improve opportunities for them.</p> <p>The YJB is responsible for workforce development of YOT practitioners</p>	<p>As part of the Welsh Assembly Government's Reach the Heights 'ESF' projects, awareness training is to be given to YOT and prison service staff by SNAP Cymru and a development of induction materials produced. This will also include training in the recognition of and importance of networking at a local level in ensuring the relevant support is accessed. It is a possibility that this could be widened out?</p> <p>More significant support will be made available across the important 'transitional' stages children and young people in Wales.</p>